IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.103 OF 1992.

Namdeo Kalya Jitekar : Appellant.

versus

The Special land Acquisition

Officer Panvel : Respondent.

ALONG WITH

FIRST APPEAL NO.889 OF 1992

The State of Maharashtra : Appellant.

versus

Shri Namdeo Kalya Jitekar : Respondent.

Mr.S.G.Surana for the claimant

Mr.B.R.Patil, Acting Government Pleader for State

CORAM : D.G.DESHPANDE,J.

DATED : 19th APRIL 2005.

ORAL ORDER

1. Heard the learned AGP for the State and the advocate for the claimant. Both the appeals arise out of the judgment of the reference Court dated 2.5.1991 under the Land Acquisition Act. The State has filed the appeal to challenge the enhanced compensation and, the claimant has filed the appeal for further enhancement. The reference Court has awarded compensation at the rate of Rs.7 per sq.mtr. to the claimant. According to the learned AGP for the State, that is on higher scale, whereas, according to the claimant, it is not the proper compensation.

2. This Court in an appeal bearing Appeal No.619 of 1991 decided on 18.7.2001 awarded Rs.10/- per sq.mtr. for the land from village Dapodi. Both the learned AGP for the State and the advocate for the claimant agree that, that judgment will have to follow. In view of this, the following order :-

:ORDER:

The appeal filed by the State is dismissed.

The appeal filed by the claimant is partly allowed.

The claimant will be entitled to the compensation at the rate of Rs.10/- per sq.mtr with proportionate enhancement in the statutory benefits.

No order as to costs.

[D.G.DESHPANDE]

19/04/2005 JUDGE.